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Message Text

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46
ACTION EUR-12

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TO SECSTATE WASHDC PRIORITY 2494

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EO 11652: NA
TAGS: CGEN PFOR UR US
SUBJECT: CONSULAR REVIEW: TWO SOVIET AGENDA ITEMS

REF: STATE 086235

1. EMBASSY APPRECIATES DEPARTMENT'S INITIAL GUIDANCE AND COMMENTS ON IMMUNITIES (REFTEL) AND REQUESTS ADDITIONAL CLARIFICATION OF THE EXPECTED IMPLICATIONS OF REPEAL 22 USC 252-254. PARA 5 REFTEL APPEARS TO INDICATE THAT REPEAL WILL INVALIDATE THE 1967/8 EXCHANGE OF NOTES, ESSENTIALS OF WHICH ARE COVERED PARA 2 REFTEL.

SPECIFICALLY, IT APPEARS THAT, UPON REPEAL 22 USC 252-254, SOVIET ADMINISTRATIVE AND TECHNICAL PERSONNEL AT SOVIET EMBASSY WASHINGTON WOULD NO LONGER ENJOY FULL IMMUNITY FROM CRIMINAL AND CIVIL JURISDICTION.

2. AS NOTED PARA 2 REFTEL, THE 1967 SOVIET NOTE PROVIDING IMMUNITIES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL WAS BROADER THAN THE CORRESPONDING US NOTE SINCE THE FAMILIES OF US PERSONNEL WERE GRANTED IMMUNITIES WHICH WERE NOT GRANTED TO FAMILIES OF SOVIET PERSONNEL. THE SOVIETS HAVE, TO DATE, ACQUIESCED IN THIS APPARENTLY UNEQUAL GRANT OF IMMUNITIES, BUT THE INCLUSION OF THE PROBLEM AS A PROPOSED SOVIET CONSULAR REVIEW AGENDA ITEM PROBABLY INDICATES CONTINUED INTEREST IN OBTAINING FULL IMMUNITY FOR THE FAMILIES OF THEIR EMBASSY ADMINISTRATIVE AND TECHNICAL PERSONNEL.
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EM IN VIEW OF THE CONTINUING SOVIET INTEREST IN THE QUESTION OF
IMMUNITIES, IT IS PROBABLE THAT CHANGE IN US DOMESTIC LAW
REQUIRING RETRACTION OF THE 1968 GRANT OF IMMUNITIES TO SOVIET EMBASSY

ADMINISTRATIVE AND TECHNICAL PERSONNEL WOULD PROVOKE THE SOVIETS
TO WITHDRAW THEIR GRANT OF IMMUNITIES TO OUR EMBASSY ADMINISTRATIVE
AND TECHNICAL PERSONNEL.

4. SOVIET WITHDRAWAL OF IMMUNITIES NOW AFFORDED EMBASSY ADMINISTRATIVE

AND TECHNICAL PERSONNEL COULD HAVE AN IMMEDIATE AND SIGNIFICANT
ADVERSE IMPACT ON THE MORALE AND EFFECTIVENESS OF THESE EMPLOYEES.
EMBASSY, THEREFORE, STRONGLY DESIRES TO AVOID ANY ACTION WHICH MIGHT
INVALIDATE THE 1968 EXCHANGE OF NOTES AND REQUESTS THAT DEPARTMENT
REVIEW THE IMPLICATIONS OF REPEAL OF USC 252-254 IN LIGHT OF THESE
CONSIDERATIONS.
BREMENT

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